

Elwell (J. J.)

SECOND PAPER.

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MORAL INSANITY.

A REJOINDER, BY J. J. ELWELL, TO
REPLY OF E. C. SPITZKA, M. D.,
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GUITEAU.—A Case of Alleged Moral Insanity.

A REJOINDER, BY J. J. ELWELL, TO REPLY OF
E. C. SPITZKA, M. D., N. Y.,

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Nervous System in the New York Post-Graduate Medical School;
Physician to the Department of Nervous and Mental Diseases
of the Metropolitan Throat Hospital; President of
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the American Neurological Association;
W. and S. Tuke Prize
Essayist; William A.
Hammond Prize
Essayist,
Etc.



Ut Sementem feceris, ita et metes.—A rude âne, a rude âiner.

WHEN my article on Guiteau was printed I had no thought of appearing again so soon, or at all, on this or on any other subject. I am compelled to do so by a bitter and unprovoked personal attack by a writer whose name I mentioned but once in my paper, and then with perfect respect. When a doctor administers to you a good round dose of wormwood, gall and brimstone, in a mixture of Hammond's nitro-glycerine, it is about time for the patient to call his family together, and see to it that his house is set in order; for there is something serious, real or imaginary, the matter. If the doctor is particularly smart—knows every thing, as in my case, and is never for a moment troubled with a doubt on any subject, however complex or completely hid to others—then the emergency is the greater. Hashish may also have been in the dose—for it was fearful—and should the

next page or two seem a little wild, it must be attributed to the medicine.

On opening the last ALIENIST, I saw, or thought I saw standing before me, a vast pyramid, with the base towards the heavens, and the apex lost in the sands of an all-comprehensive, "*etc.*" This colossal pile was covered from top to bottom with eulogistic hieroglyphics, inscriptions, titles, badges, records of the most marvelous exploits in psychiatry, neurology, and in fact in all departments of science, outnumbering the deeds of the most noted Pharaoh. High on the broad base of this lofty monument stood the figure of what seemed to my heated imagination, the Prophet of Truth, wrapped in the comfortable robes of perfect assurance and self-satisfaction, proclaiming in a loud voice, "*It is the duty of those who know the truth to correct error!*" What I saw, I have since learned was the apotheosis of a "Scientific Alienist." (This sounds like "shallow rhetoric without reason," babbling over the cobble-stones of a disturbed and unsanctified temper. Permit me, however, to try again with my hook baited with a little fish from the prolific, rhetorical pond of this great prophet; and if no better luck attends the effort, I will at once come down from the dangerous and cloudy region of metaphor, to the solid *terra firma* of facts, figures, and common sense.) A "scientific" gladiator appears upon the scene, stripped to the loins, with twisted hair and painted body, and comes bounding into the arena of discussion and strife, "like a prognathous African, howling and yelling in ignorant glee, with arrow and spear, to hew off" my "head, and drag the mutilated symbol home in triumph." (This is much better "rhetoric"—nothing "shallow" here—"symbol" is good, but "hewing off heads with arrow and spear," is about perfect.) I now see the folly and shallowness of such sentences in my poor little article as these:

An impartial discussion of the matter is not to be expected, until a sufficient time has passed to allow the sediment of popular indignation and professional zeal to fall to the bottom. Truth will then reveal herself and not till then, for she shuns excitement and prejudice.

Mind, sound and unsound, with many-sided and ever-changing phenomena has escaped the grasp of language, and no satisfactory definition, has ever been formulated of these terms. No standard of measurement or court of appeals has been erected by which the issue of sanity or insanity can be measured or decided. Each case is *sui generis*, and encompassed by its peculiar difficulties, and must be judged by its own characteristic phases for which no precedent can be found. An examination of mental questions, therefore, is much like a voyage of discovery on an unknown sea, without chart, beacon-lights or headland.

I promise, if I get through safely with this job, to avoid hereafter all vain efforts of the like shallow rhetoric; for I will take no more risks of having my "head hewed off with arrow and spear, and the mutilated symbol dragged home in triumph"—or of having it kicked off by a rhombo-cephalous mule.

All this uproar and fury is over an unpretentious paper of mine, prepared in response to an invitation of the editor to write something for his JOURNAL, and almost forgotten, which has, to my great surprise attracted much more attention for and against, than its merits deserve. It pretends to speak for nobody but the writer, and to give his views in the briefest possible manner. He makes no pretention to being "a scientific alienist," or "a practical neurologist;" but he does claim to have taken for many years, a deep interest in all psychological, physiological and kindred subjects—keeping well abreast, as he thinks, of the best and latest thought on these important questions, in his studies and reading—now and then writing a magazine article, without contributing specially to the literature of the subjects involved. He holds with Dr. Dalton, that some things have been settled in the past.

One would think that a great light had suddenly burst over the field of psychological and neurological science, and that the fathers knew and did but little. He is conservative, and holds to the old landmarks. Dr. Dalton in his Cartright lectures says:

However much we may pride ourselves on the advance made during our time, we may be sure that *by far the greater* part of our *actual* knowledge is a legacy from the past. It has been winnowed in successive generations from error and imperfections, which *always* accompany its

first acquisition; and it is probable that many of our own discoveries will require a similar depleting treatment in the future.

This corresponds with what Dr. Hack Tuke said in his address to the Medico-Psychological Association in London, "that progress in this direction had been principally made by *clearing away* former errors, rather than by developing new treatment."

Confessing, then, our utter ignorance of the mysteries of brain action and of the brain itself—which Prof. Hamilton, of Aberdeen, in one of his Morrison lectures on insanity, says, "is the most complex of all organs"—let us hold fast to the old creed, that the brain is simply an organ attuned by immaterial and immortal forces.

Judge then of my astonishment, and indignation as well, to find myself unmercifully and personally assailed in a great JOURNAL, and charged with having been "guilty of manufacturing facts," "misquoting others," "misquoting testimony," "omitting essential facts," "using sophistry of speech" and "shallow rhetoric without reason," of "being a mere echo," who "has not even elementary knowledge of medicine," and as having "quoted himself as authority" for what I said, and "ought to be disbarred," etc. Having exhausted his own stock of English epithets, he calls out a German doctor, to denounce me in Dutch; which he proceeds to do in the following "scientific" style, on account of my *North American Review* paper, which he says is an illustration of "*glänzende Unwissenheit*." It is no relief to me that I find Mr. Blain charged with having denied what he had before stated as a fact; and that half a dozen government witnesses—"to call matters by their right names—*told a falsehood*." If this is not a case where the stern old rule, "an eye for an eye—a tooth for a tooth" is in order, I see no use for the rule. The language applied to Mr. Blain, and to the witnesses and to myself, is shocking, and such language as one gentleman never applies to another. He seems to be an old offender. I find in the *New York Record* (p. 687, vol. xx.) this language: "It is difficult to feel great

sympathy for a witness who is so inconsiderately aggressive as Dr. Spitzka. He made the surprising statement that whoever took a different ground from himself was either incompetent or dishonest."

The defence, with the subpoena of the government in its hands, could find in all this country but one professional medical witness who would go upon the witness stand, and under the rules of evidence swear squarely to the insanity of Guiteau. That solitary witness was Dr. Spitzka. He even boasts of the fact. "The only opinion given by a physician called in as an expert witness, that Guiteau was insane, was my own"! Four of the distinguished experts who swore to the contrary "are convicted as liars and ignorami out of their own mouths," and the balance of the thirteen able gentlemen who believed Guiteau sane, and said so, "to call matters by their right names—told a falsehood." Some lied, the others told a falsehood.

I am wholly unconscious—in the article aforesaid—of having misstated, misrepresented, manufactured or suppressed any material thing whatever; and have done nothing of the kind, as I will attempt to show. In my paper, I took it for granted that so intelligent a constituency as I was addressing through the ALIENIST, knew all the elementary facts of the Guiteau case, and that they were just as familiar with the evidence bearing upon its main points, as myself; for such evidence has been printed and published, as the London *Lancet* says: *ad nauseam*. My paper was necessarily very brief, covering only eight pages. I said, "the writer proposes, as briefly as practicable, to group the salient points of this remarkable case, which, *as he understands* them, establishes the proposition of the entire sanity and consequent responsibility of this homicide, on the 2nd of July, 1881." These propositions are given as briefly as possible, with my reasons therefor. I said, "the exigencies and limitations of journalism demand brevity." I had no desire or right to occupy valuable pages, to which others had better claim than I. It would be as impossible to misrepresent or

suppress the main points of testimony in this world-wide case known and read of all men, as to misrepresent or suppress the alphabet or the multiplication table. Nor had I any object to do so. I took no special interest in it, only as a leading one. Had I been an inconsiderate rampant witness somewhere, and then and there have made a fool of myself, then I might have been glad to have seen the evidence of my folly suppressed.

It so happened that in the number of the ALIENIST in which my little eight-page article appeared, and immediately following it, there was printed an eighteen-page paper of a very pretentious and exhaustive character, from the pen of Dr. E. C. Spitzka, M. D., etc., etc., on the very question I had discussed, from the opposite stand-point—that of Guiteau's insanity. On reading that article—though full of errors of fact, and bad in spirit—it never occurred to me that I ought to return to the field and abuse him for differing with me; yet, I had good grounds for doing so, for he floundered fearfully through the muck and mire of his own testimony, when on the stand—exposing himself at every point to ridicule and criticism. In this article he says: "Guiteau exhibited indications of theomania, *Querulantenwahn*sinn—erotomania or simple megalomania." In this article he says: "I made what was considered then and there *as the hit* of the day." "There was laughter and applause." He was undoubtedly very smart while on the witness stand, or we should not have "the hit of the day" and "laughter and applause." He prints it himself, and it must have been so. (It is in another paper given hereafter, that he says, "Command me as to any scientific advice that you may need. I have received more than two hundred letters of commendation," etc.—Letter to Scoville.)

I had presented my reasons for Guiteau's sanity in eight pages, Dr. Spitzka had given his reasons for believing him insane in eighteen. There the matter should have rested so far as we are concerned—at least until others had been heard.

Now for the main specific charges.

First.—"One naturally wonders why Dr. Elwell should take so much trouble to sustain the justice of Guiteau's sentence, by endeavoring to prove his sanity, when he already stands committed to the doctrine that if Guiteau was *insane*, then there would have been the greater reason for punishing him." Let us see if I stand committed to the doctrine that the *really* insane should be punished. I do not. In the *North American Review* paper, to which my critic refers as the foundation for this charge, I use language not easily misunderstood. Here it is:

That no confusion of ideas may arise—no misapprehension of the points at issue—and that the field of discussion may be properly circumscribed and defined, and no words wasted, *let it be said at the outset, and distinctly understood, that there can be no dispute as to the entire irresponsibility of that class of insane criminals coming within the famous rule of the English judges—those not knowing the difference between right and wrong. A person utterly unconscious of the distinction between good and evil, justice and injustice, right and wrong, at the time of committing the offence, by the common consent and judgment of mankind, is not responsible for his act.*—Not influenced by fear or favor, by punishment in this life or in another, without forethought or calculation for the future; *he is completely wanting in every element of character and faculty of mind necessary to fix responsibility for personal conduct or accountability to human tribunals.*

That is the record where "Dr. Elwell stands committed to the doctrine that if Guiteau was insane there would have been the greater reason for punishing him," if anywhere. No. To these stricken and desolate lives, and to their unfortunate families, Dr. Elwell would extend all the patience and all the skill of a great profession—the resources of the nation and the sweet and beautiful charities of a gracious Christianity.

I do stand committed in the *North American*, as follows:

On the other hand, to the punishment of that large class of *alleged* insane, thrown to the surface as the emergency requires, for whom the defense of irresponsibility is so constantly interposed in courts of justice—composed of the weak-minded, the evil-minded, those more or less disordered in mind, but still know right from wrong, the "odd" and the "singular" people; and, lately have been added to these, the eccentric; and still later (see *London Lancet*), "those of bad memory," have been made to swell the list. *This is the class whose position as to*

responsibility is here under discussion; and *these* are the persons who are spoken of in this article as *the insane*, and not those who come under the rule of the English judges. (See *North American Review*, for January, 1882.

This language is plain, and correctly defines my position on the question of responsibility of the insane; and there is not the least excuse for the man who has misrepresented me. It is, however, a fair sample of his entire article.

Second.—"Dr. Elwell's paper chiefly consists of a peroration, laudatory of the government experts, and a foot-note, referring to his own medical jurisprudence as *authority* in moral insanity." That is what the "President of the New York Neurological Society" says my paper "chiefly consists of." (By the way, Dr. Seguin, of New York, who is responsible for what he utters, says this "President" was not fairly elected to the position he claims to occupy. See report of election in *Medical Record*.) Again, "Dr. Elwell, with all his prejudices, devoted twenty-one pages to moral insanity in the treatise *to which he refers as an 'authoritative' one*." In another place,—"*he could have found better authority than that which he cites*." Again: "*He has ultimately taken the stand himself as an authority on moral insanity*." Now for the "foot-note" upon which this slander is based. The "President" did not print the note, for that would have carried the cure with the poison. Here it is:

NOTE.—For a more full discussion of the subject of Moral Insanity, see chap. xxix., page 400, 4th edition of the writer's work on Medical Jurisprudence; also his article in the *North American Review*, for January, 1882, on the Moral Responsibility of the Insane.

As everybody sees, it is not a reference to what I have written elsewhere, as *authority*, but "*for a more full discussion* of the subject of moral insanity,"—because I could not say all I wanted to, in the little space afforded me in the *ALIENIST*. The note is written in plain language—there is no room for a mistake. When *full discussion* means the same as *full authority*, then, and not till then, will it be true that I ever referred to my own medical jurisprudence as "*authority*." The only one

who has egotistically referred to himself is the distinguished president, on page 432 of his article. Here is the "peroration," as he calls it, which, with the foot-note, forms the "chief portion" of my article, to answer which requires twenty-two pages, and as many notes.

Law and medicine never confronted each other in a court of justice or elsewhere with an issue so momentous, witnessed by the intelligent people of two continents as excited spectators; never did law make greater demands upon the resources of medicine; such requisitions were never more fully and promptly met, by so many and so able representative men of the profession; never was testimony given under weightier and more solemn circumstances; and finally, never has a great profession been so triumphantly vindicated from the clamor, general distrust and odium into which medical expert testimony had fallen—when insanity was interposed as a defense for crime—and completely lifted out of that quagmire of sentimentality, fatalism, "moral monstrosity," and wickedness, called moral or emotional insanity, into which it had fallen.

I stand by the "peroration," and the foot-note is a standing condemnation of Dr. Spitzka's assertion that "Dr. Elwell quoted himself as authority for what he said." It is Dr. Spitzka who egotistically quotes himself as aforesaid, and who says of himself, "It is the duty of those who know the truth to correct error," and "Command me as to any scientific advice that you may need. I have received more than two hundred letters of commendation, and I made what was considered then and there *the hit* of the day. Applause and laughter."

Third.—"Dr. Elwell is a mere echo of Dr. Ordonoux's attack on moral insanity." That may be. It is always well to echo truth, whatever may be its source, and I consider it an honor to follow so safe, wise and conservative a leader as the gentleman named, and simply refer to it as another misstatement of fact. It so happened that my chapter on moral insanity, to which my critic refers, was written in 1859, and the article referred to as that of Dr. Ordonoux's in 1873. It is quite possible that Dr. Ordonoux wrote on the subject before I did, though I am not aware of the fact. On the appearance of my book, Dr. Ordonoux wrote in the *New York Journal of Medicine*, as follows:

But in justice to a great subject upon which it descants most luminously, because most briefly—the subject of all subjects in medical jurisprudence—in justice to the overwhelming importance which must everywhere, and in all places, attach to the phenomena of mental disease, and the legal conditions flowing out of them, we venture to pause and utter a few words over the chapter on *Insanity*. At the outset we may say that any intelligent man may talk flippantly enough on the above topic, up to a certain point, because common observation of functional derangements in the brain, as manifested in intoxication and somnambulism, are of every day occurrence, and to the inexperienced eye simulate forms of chronic, organic disturbance. Inasmuch also as the *causa causans* of insanity is in most instances as completely hid from the physician as from the layman, each meets on equal terms in the deep, dark mine of mental pathology. Beyond a certain point medical knowledge avails nothing—up to a certain point it avails much. When the physician has reached his *ultima Thule* he can see no better than the layman who has followed him, and this conviction of the inability of penetrating the mental constitution beyond its most superficial operations, gives every man the right to have “his say” up to those pillars of Hercules beyond which lies the psychical Atlantis. Hence, as Prof. Elwell tells us, “Countless volumes having been written by the ablest minds of the medical profession upon the great subject; quarterly and monthly periodicals having been established expressly for its discussion and elucidation; some of the ablest thinkers in medicine having made it for a lifetime a speciality, . . . the popular mind and general reader come very naturally to conclude that the whole subject is well understood.” But when either lawyer or physician comes to investigate and apply rules of law to any individual case he finds, *lamentabile dictu*—“That notwithstanding all that has been accomplished by the accumulation of facts, and the enunciation and discussion of theories upon the subject of insanity, especially during the last century, the whole question is still *sub judice*.”

With names and classifications the author tells us that courts have nothing to do, and were courts more prone to remember this they would most assuredly reject the equivocal name of moral insanity from their adjudications. And in this connection we cannot help saying that if there be among all the chapters in this truly valuable book, one which we particularly consider as the keystone of all the rest—and whose honest, frank, and conservative tone will do more to beget a true medico-legal union before the courts, where now we so often have a complete antagonism of the two professions, it is the chapter on “The Position of the Courts upon Insanity.”

Who does the President of the New York Neurological Society echo? He is a weak echo of a class of modern crazy German pagans, who are trying, with what help they can get in America, from such “scientific alienists” as he, to break down all the safeguards of our Christian civilization, by destroying if possible all grounds for

human responsibility—putting forth the cold vagaries of agnosticism and nihilistic utilitarianism—accepting nothing beyond the reach of uncertain human experiment and his own fallible reason—reconciling the irreconcilable factors of life and human existence; while all that he really does is to start at every turn he makes, or step he takes, mysteries that are, have been, and always will be, *fathomless*. He solves at once phenomena which, in the present state of science, are absolutely beyond the realm of legitimate inquiry. He sees no difficulty whatever in understanding the chemico-molecular action of the brain. He penetrates boldly into the sacred dark chamber where thought is born (throws up the curtain), handles it, hands it over to the nurse, and is then on the lookout for more “advanced thought.” Had Dr. Spitzka been present when God said “Let us make man,” he would have responded to the “us;” and, while he would hardly have undertaken the main work of creation, he would have made valuable suggestions. Conscience and consciousness, he would have left out in man, as troublesome factors in his system and plan of the universe. With him brain and mind are coëxistent and coëvil—the death of the material terminates the mental. Depravity and crime are synonymous with disease and circumstance. These are some of the theories dangerous to society, started or revived mainly in Germany, of which Dr. Spitzka is “only the echo.”

By the side of all this, I wish to place on record the refreshing and spring-like words of the great physiologist Dr. Carpenter, of London: “I deem it just as absurd and illogical to affirm that there is no place for a God in nature, originating, directing, and controlling its forces by his will, as it would be to assert there is no place in man’s body for his conscious mind.”

The truth is, little as we know of mind or spirit *out* of the body and independent of matter, our *exact* knowledge of the essence of mind, in its connection with the human brain, is almost as limited, humiliating as the thought

may be. Of the existence of mind or pure thought outside of matter there can be no doubt, as seen in the Creator "originating, directing, and controlling its forces by his will." We can only know God by his manifestations through mind and matter, and that is about all we know of mind—its manifestations.

Here is what the London *Lancet* thinks of these matters: (page 695, vol. i., 1882.)

The plea of insanity ought to be called the plea of *irresponsibility*, so completely is the idea of disease being subordinated to the hypothesis of unaccountability. It cannot be doubted that the public safety and—in a very grave and practical sense—public morals, also, are endangered by the humanitarian spirit of the times, to which a *materialistic philosophy lends especial force*, and which tends to regard man as a mere instrument in the hands of his physical destiny—a machine wound up and set to work out a particular class of actions, and obey a certain series of impulses—and which strive to find excuses for his wrong-doing accordingly. It is a humiliating, and so far as the repute of the profession may be affected, a disgusting fact, that in almost every recent case of murder, some medical person has come forward with the suggestion that the prisoner is insane.

Again, the *Lancet* says: Lefroy was not insane, and Guiteau is not insane. The only insanity accruing to the latter case is that which those who support the plea of insanity may themselves impart to it. The position of the matter in regard to this question is becoming one of exceeding gravity, and it will soon need to be very seriously discussed. (Page 1012, vol. ii., 1881.

Fourth.—"Speaking of the medical testimony for the defence, he says: 'Dr. Spitzka'—this is the only mention made of Dr. Spitzka's name in my article—the defendant's chief and most important witness says, 'he found his skin was in a healthy condition; found his appearance perfect; his eyes perfectly healthy.'" "No change of habits or life." "Dr. Elwell actually uses quotation marks falsely, giving the impression that those words were used by the witness in a certain order, *whereas the fact* is, nothing was actually said as represented in Dr. Elwell's *manufactured quotation*." He is "at an utter loss to find anything in his testimony to compare with the words 'no change in the habits or thoughts,' which Dr. Elwell pretends to cite from it." Dr. Elwell *does not* pretend to cite from Dr. Spitzka's testimony, the words "no change in

the habits of life or thought," and does not attribute them to him, as no one knows better than Dr. Spitzka himself. On the opposite page he had read, not a half-minute before, precisely the same in substance; the same words condensed, quoted from Dr. Hughes. Here they are:

This JOURNAL has laid down the following rule, which is undoubtedly correct: "If *no change in the habits of thought, feeling and action* takes place, then it is not insanity. The true test of insanity, therefore, is this comparison of the individual with his former self, taken in connection with disease of the brain." By this fair rule let Guiteau be judged.

The president, essayist, etc., that he might make a point on me, sees nothing but "quotation marks actually used," losing sight altogether of the thing quoted. He can't find the words in all his testimony. Certainly there were quotation marks, not for him, but for the ALIENIST, and they were right before his eyes when he wrote. There is no chance here for mistake. As for the "manufactured quotation;" "he found his skin was in a healthy condition; found his appearance perfect; his head perfectly healthy;" they can be found in the *Journal of Insanity*, page 339, January and April, 1881, precisely as I have used them. Not having the three thousand pages of the official evidence before me, I relied upon it as I found it in the ALIENIST, *Journal of Insanity*, and other journals. It is, however, substantially correct, as I find it in the official record. "I did not examine him for any ordinary physical complaint at all," says the witness, "and therefore found *no evidence of it*." Again; "externally I found the head in *quite a healthy condition*, a little eruption on the skin, but *nothing that you would call disease*." Did I try to represent Guiteau any healthier than he was? Did I not frankly admit the syphilitic "taint"?

I thought and said that Guiteau displayed able generalship in many respects during the trial. In this I also "misrepresented and suppressed facts." In reply I will quote from the *Medical Record*, the words of its editor. (Page 65, December 10, 1881):

Guiteau displayed a wonderful acuteness in appreciating the legal bearing of the questions put to him, and in evading answers that would criminate him. He clung to his theory of inspiration with a tenacity which might raise the suspicion that he appreciated its legal value. Upon the general public the prisoner's quickness of mind and extreme adroitness made the most impression. Though mercilessly cross-examined, no inconsistency or incoherence was brought out. To the medical mind the fact that some confession of remorse and regret was made, as well as the undoubted mental suffering of the witness during the cross-examination, will perhaps have the most weight.

Fifth.—"Probably Dr. Elwell may be induced to give the grounds on which he makes such statements as the following: 'First, there is no positive indication of this hereditary tendency in the family of the Guiteaus; and no one thought of having him shut up in a lunatic asylum.'" I have done so once, so far as space would allow, and can again. What if Dr. Rice did, at one time when Guiteau had been raising the devil a little more than usual, advise his commitment to an asylum? Not one of his family or friends thought of acting upon the suggestion. This was in 1875; yet in 1876, Scoville tried to have him go in partnership with him in the practice of law. Does this look as if so sharp a man as his brother-in-law thought him a fit subject for the asylum? Why did not Scoville take the witness stand, as did Reed, his associate counsel, and try and save Guiteau's life, if he believed he had ever been insane? Who more competent to speak on this question of hereditary insanity than Scoville? Yet he is dumb. Guiteau said he had never seen Dr. Rice but two or three times in his life, which was probably true. Dr. Rice says, "there was no delusion, no hallucination, no illusion." It seems from the evidence, that Dr. Rice did not think best to make out a certificate of lunacy. Dr. Rice swore positively that Guiteau's father *was not insane*. So did his brother and sister. No effort, I repeat, was ever made by anybody to confine him except for fraud. Nobody pretends the mother was insane. *No ancestor* was insane. Insanity does not often descend from uncles, aunts and cousins. The *Medical Record* says: "It is worthy of note that despite his eccentricities, the *uniform*

story of his life is that nobody thought him insane." (Page 65, October 22, 1881.) Guiteau had, without doubt, an ancestral "taint" of *Spitzka insanity*, but this kind of insanity Dr. Barker calls "wickedness," and the "taint" is from his father the devil. Again the *Record* says: "But neither morbid egotism nor consequent delusions, necessarily stamp the individual as a lunatic. The degree of the one, the irrationality of the other, as well as accompanying facts, must be considered. Guiteau's egotism was great but not phenomenal; his delusions were contemptible, but not entirely without data. Add to this that his feelings, though brutal, were not uncontrollable; that he was more vicious than passionate; more coherent than incoherent in his language or writing, and we get the fiction of a man who is vain, brutish, weak-minded and offensive, eccentric—but not insane. The testimony of those who have known him most in mature years, viz., his wife, his brother, Noyes and others, shows that they saw in him something disagreeable and eccentric. He was indeed suspected of insanity by Mr. Scoville, but it may be that this was largely because he was such a nuisance." —*Medical Record*, page 630, December 3, 1881.

Sixth.—"If Dr. Elwell, notwithstanding his very frank and undoubtedly *subjectively* correct admission, that an examination of mental questions is much like a voyage of discovery on an unknown sea, without chart beacon-lights or headland," etc. Let me remind the reader that when I wrote this, nautical psychology was not so well understood and defined as now, and consequently more unsafe and uncertain. Capt. Spitzka's great and complete chart was not yet on the market, and I had to do the best I could without it. On his new map I find every crooked channel made straight, every rock, sunken danger and reef marked with buoys of empty barrels,—every creek, bay and inlet, flagged. All is now clear, safe sailing, day and night. The chart is dotted all over with beacon-lights. In fact there is no darkness on what before was a foggy and dangerous coast. This chart is called "Insanity, its

Classification, Diagnosis and Treatment, by E. C. Spitzka, M. D., New York." I can only, I am sorry to say, for want of space, make room for *part* of his "classification;" to wit:

GROUP I.—*Sub-group A.* of 'group 1; 1st class of sub-group A. of group 1; division 1 of class 1 of sub-group A. of group I.—Order A. of division 1 of 1st class, of sub-group A. of group I.—Sub-order A. of order A. of division 1 of 1st class of sub-group A. of group I.—Genus 1 of sub-order A. of order A. of division 1 of class 1 of sub-group A., of group I.—Genus 2 of sub-order A. of division 1 of class 1, of sub-group A. of group I.—Genus 3 of sub-order A. of division 1, of 1st class of sub-group A. of group I.—Genus 4 of sub-order A. of division 1 of class 1 of sub-group A. of group I.—Sub-order B. of order A. of division 1 of class 1 of sub-group A. of group I.—Genus 5 of sub-order B. of order A. of division 1 of class 1 of sub-group A. of group I.—Genus 6 of sub-order B. of order A. of division 1 of sub-group A. of group I.—Genus 7 of sub-order B. of order A. of division 1 of class 1 of sub-group A. of group I.—Order B. of division 1 of sub-group A. of group I.—Genus 8 of order B. of division 1 of sub-group A. of group I.—Genus 9 of order B. of division 1 of class 1 of sub-group A. of group I.—Division 2 of class 1 of sub-group A. of group I.—Genus 10 of division 2 of class 1 of sub-group A. of group I.—Genus 11 (Hebephmania) of division 2 of class 1 of sub-group A. of group I.—Second class of sub-group A. of group I.—Genus 12 of second class of sub-group A. of group I.—Genus 13 of second class of division 2, of class 1 of sub-group A. of group I.—Genus 14 of class 2 of division 2 of class 1 of sub-group A. of group I.—Genus 15 of class 2, of division 2 of class 1 of sub-group A. of group I.—Sub-group B. of group I.—Class 3 of sub-group B. of group I.—Division 1 of class 3 of sub-group B. of group I.—Division 2 of class 3 of sub-group B. of group I.—Genus 16 of division 2 of class 3 of sub-group B. of group I.—Genus 17 of division 2 of class 3 of sub-group B. of group I.—Class 4 of sub-group B. of group I.—Genus 18 of class 4 of sub-group B. of group I.—Genus 19 of class 4 of sub-group B. of group I.—Genus 20 of class 4 of sub-group B. of group I.—Genus 21 of class 4 of sub-group B. of group I.—Genus 22 of class 4 of sub-group B. of group I. contains all other insanities of groups not enumerated in the foregoing sub-groups, divisions, sub-divisions, orders, sub-orders, classes and sub-classes, and 21 Genera. It contains "*failure of logical inhibitory power*, mania raisonnant, moral insanity of *some* types," not all.

I would humbly suggest that a 23 Genus might be added to class 4 of sub-group B. of group I., to include the few left of the human family not covered by the 22 Genera of group I., and those corralled in group II.; who are supposed to have still left, a little common sense. It would be much the smallest list in the catalogue.

Then comes group II., with a shot-gun full of insanities, in which he puts *hysterical insanity* under *monomania*. This group II., if possible is more complex and endless in its nomenclature than group I. I have given group I. complete, for the benefit of the psychological mariner; and if in trying to follow it he finds himself in a fog so dense, that that off Newfoundland is bright daylight by the side of it, it is not my fault. After his great feat at classification, diagnosis and treatment of the insane, and success as a witness, essayist, professor, president, critic, etc., Dr. Spitzka should have another title, that of professor of universal knowledge. He is the psychological clearing-house of America. He is fully competent to fill the chair which Haller, in Göttingen, occupied a hundred years ago, as professor of anatomy, history, physiology, surgery, obstetrics and medical jurisprudence, combined with the duty of writing at the same time one review a week, and summing up at the same time all medical knowledge in his Bibliotheca. These duties would not apparently, from the amount he seems to know, interfere with his other professorships, presidencies, essays, etc.

Dedicate this crazy nomenclature and this insane book to the *Moon*, and the effort is complete.

Forsart said, "Good heavens, young gentlemen, let us have less science, and more art!"

Seventh.—"Dr. Elwell may thumb the jury trial records from one end to another of the twenty-seven hundred pages, without finding testimony given by a single witness, or a clause in the speeches of the defense, to justify his strange misrepresentation, and equally will he search in vain among the numerous pamphlets written by those who maintain that the assassin was insane, for the statement that Guiteau was a case of moral insanity *and nothing else*." This raises the whole issue as to the existence of moral insanity, and *nothing else*. Dr. Spitzka dare not stake his case on pure moral insanity. Why not stand squarely up to the doctrine as held by Prichard and Ray, and not leave its defense to a few sincere and honorable

believers in it like Dr. Hughes and others, who stand up manfully and ably to the defense of what they believe to be true? Dr. Spitzka seeks to take all the advantage of the principle of moral insanity without having to use the term by which this condition of mania is best known. I use the expression "moral insanity" in its general sense, just as he used it in his testimony when he said, "I would have concluded that he suffered from *moral imbecility*, or *moral monstrosity*. I did not use the expression *moral insanity*; but what others call *moral insanity*, I call *moral monstrosity*;" and what Dr. Spitzka calls *moral imbecility* and *moral monstrosity*, others call *moral insanity*. What then is the difference, if any, between what I call, in the case, alleged *moral insanity*, and what he calls *moral monstrosity*? He says the terms are used thus interchangeably. Dr. Spitzka calls Guiteau's case a pure case of *moral imbecility* or *moral monstrosity*, and it is what others call *moral insanity*. He does not say what he means by the terms "*moral imbecility*" and "*moral monstrosity*," only that what he so calls, others call *moral insanity*. He does not say in his testimony that Guiteau had what he called *moral imbecility* or *moral monstrosity*, "and nothing else." But he does say that where he uses those terms others use *moral insanity*. I have used the term "*alleged moral insanity*," and it was used correctly, according to his own definition of *moral imbecility* or *moral monstrosity*, which he says means *moral insanity* as others use it. Dr. Spitzka, and his class of alienists, believe as one of them testified, that one-fifth of the human family are insane in a greater or less degree, and that in one group alone, to say nothing about the other groups, there are twenty-two genera. In one of these genera he places some kinds of *moral insanity*, the other kinds he scatters elsewhere; but nowhere in his book is he as liberal as when on the stand, for then what others called *moral insanity* he called *moral imbecility* and *moral monstrosity*. There is no getting away from this position.

Moral insanity, as defined and understood by the best class of alienists who use the term, at whose head stands the editor of the ALIENIST, there is nothing particularly objectionable. Dr. Hughes, instead of making every fifth person insane, thinks that about one in a thousand is found in that category; and when on the stand he is always conservative. Dr. Hughes says:

It is not contended that a person affected with derangement in his affective life, in order to be designated as morally insane, should be more free from errors of judgment and of the understanding, than an average number of sane people are liable to be under excitement. Understandings are not all alike. Errors of judgment are common to the rational mind. To err is a human attribute of mentality, and it is obviously illogical and irrational to expect that before we should permit or acquiesce in the use of the term "moral insanity" or "affective insanity," describing that form of mental aberration, with which we are all familiar, that we should demand of the individual so affected, that he should be sounder in his reasoning powers than the average rational mind. Misconceptions of judgment, and misconceptions of fact are common to sane people. Mistaken conceptions are not uncommon to rational minds, and it is not to be expected that there should be nothing of that kind before we should recognize the existence of a state of disease—call it "moral insanity" or "affective insanity," "reasoning mania" or whatever term we may choose to invent—it is not to be expected that with such a form of aberration we should gauge the mind of the affected individual by a more rigid standard than that by which we would measure the average rational mind. That is what I should argue in a case of that kind. Of course I know that there are gentlemen who would differ as to the propriety of the term, and knowing the theoretical basis upon which those differences are made, I should make no quarrel with them or enter any objection to their designating it by some other appellation. Nevertheless, the fact of mental disease still remains, in my humble opinion.

Again he says:

In the vast majority of changes in the moral character, the intellect either becomes abeyant—and in such a sense may be considered to have undergone a change—to have become subservient and acquiescent, and evidences a predominance of the aberrant moral over the intellectual character; or the intellect becomes also specially implicated and delusions accompany the effective change which we call moral insanity.

There is no obscurity here. Again, he says:

We recognize the fact that there is a form of insanity, which displays itself especially in *disordered impulse*, feeling propensity or passion with whatever of intellectual implication may be apparent. I call it moral insanity as the most descriptive term.

And again:

It matters little what becomes of the name, though we think it a good one as descriptive of the characteristic features of some forms of effective insanity, so long as nomenclature is based on the prominent *symptomatology* rather than upon the distinctive *pathological* features of insanity.

This is clear enough. We can understand just what he means by the term moral insanity; and as he teaches and testifies on the subject, no danger can arise to the community. So of J. Workman, M. D., of Toronto, and others. Such writers I place on my list of the noted "thirteen," who are trying to lift the profession out of the disgrace brought upon it by just such witnesses and writers as Dr. Spitzka.

Dr. J. S. Jewell, a noted alienist, says:

Whether all insane are morally irresponsible, has been and ought to be questioned, especially when opinions vary so widely as to what are the phenomena to be included under the term sanity. There is, however, a general criterion for determining the fact of moral insanity, and it is that a person to be considered irresponsible for his actions, must be unable to distinguish the difference between the right and wrong of an act. That insanity often involves practically complete irresponsibility there can be no real question. That on the other hand, the plea of insanity is often falsely made and successfully urged as a defense against the extreme penalties of the law for some flagrant crime, when there is no real ground for such a plea is notorious. That the public sentiment has become justly inflamed against the insanity dodge is plain to all.

I suppose those witnesses in the Guiteau case, who said that science knew no such insanity as moral insanity, simply mean that science only recognized insanity based upon disease of the substance of the brain and tangible symptomatology, and not as Dr. Hammond says in his new book, "on an emotion." I do not see how human tribunals are to fix responsibility to law, if they cannot cast an anchor on something more substantial than an emotion or an indefinite term like moral insanity, when used to cover wickedness. There must be disease, or real imbecility—not "moral" imbecility—just simple imbecility, or disease, if there is irresponsibility. This the courts can lay hold of, and always do, gladly.

Dr. Spitzka claims also that all the alienists of Europe agree with him on the question of moral imbecility or moral monstrosity. He says: "in Italy, as in fact almost generally throughout Europe, the writer is unable to find a single alienist who opposes this doctrine of *moral insanity*." Here he uses the term, but don't tell us what he means by it, so he must mean moral imbecility or moral monstrosity. What is European and Italian opinion on the question of moral insanity?

Dr. Bonfigli, of Ferrara, who is good authority, talks very differently. He has written a book on moral insanity, and in it is found a review of the declared opinions of forty-six eminent alienistic writers on the subject of moral insanity. He says, seven of these forty-six hold to the doctrine of absolute, pure and distinct, moral insanity. Of these, three are French, three German and one English. Seventeen of these forty-six hold to moral insanity conditionally—not as a distinct, pure mental disease. They connect it with more or less intellectual insanity. Of these seventeen, seven are French, six German, three Italian and one English. *Twenty-two, he says, deny the doctrine of moral insanity in toto.* Dr. J. Workman, of Toronto, late Superintendent of Toronto Asylum for the Insane, etc., in commenting on this statement of Dr. Bonfigli, says: "Had Dr. Bonfigli been more versed in the literature of English and American alienism, he could have much augmented the numbers assigned to the latter two countries; and, undoubtedly, the classes of *conditional advocates* and of *utter repudiators* would have had almost *exclusive* admission to his catalogue. He, however, introduces into his book a report of a discussion on moral insanity which took place at the annual convention of Medical Superintendents of Asylums, in New York, in the year 1863. I had the pleasure of being present and taking part in the discussion, which was conducted in the most courteous manner. Dr. McFarland gave it as his conviction, that "in all the cases of so-called moral insanity, a real intellectual disorder was present."

He was followed by the other members in rotation, including the distinguished and very long experienced Dr. Kirkbride, the President of the association and the veritable Nestor of the fraternity, numbering in all present, some forty representatives of the United States and Canadian asylums. Of all this assemblage, *only two or three* declared their belief in the actuality of moral insanity, and even these declined to define it as a distinct and independent form of disease."

This seems to be about the position of the question in Europe and America; and yet Dr. Spitzka "is unable to find a single alienist who opposes this doctrine of moral insanity in Italy or in fact generally!"

Eighth.—Dr. Spitzka says: "To have an insane ancestor will hereafter have to be considered rather an advantage than otherwise." No, not an advantage—yet the physiological and pathological fact remains true and is not to be laughed down, that the wonderful living forces of nature, which push the infant to adolescence and holds the man perpendicular on his feet for threescore years and ten, against the constant powers of gravity, is the ever-watchful enemy of disease, and the constant conservator of health and life. So imperative are nature's demands in this regard, and her efforts in the direction of health, if she fails, she often proclaims sterility. If she can encyst a ragged bullet, and thus save life, who dare limit her power? It does not follow that because the *vis conservatrix naturæ*, and the *vis medicatrix naturæ* at once summon their occult but myriad forces to encyst a bullet, or repair a fractured femur; that it "will hereafter have to be considered rather an advantage" to be shot or to have a broken leg. It is high time that the foolish and dangerous doctrine of once insane always insane—that because insanity has, once been developed in a family a cloud ever after rests on that family from generation to generation; that that family and all its collateral branches in every direction are "tainted," and that this taint is liable to break out at the most unexpected times, in the most

unlooked-for quarter—be discarded and denounced. The theory is false, and the doctrine is dangerous to society.

Ninth.—"It evidently did not suit Dr. Elwell's purpose to quote the official report of the Microscopical Committee," etc.

I did not refer to the microscopical test, because the best medical authorities place no reliance thereon as a test of insanity. Even Dr. Ray says: "It will scarcely be claimed, at the present day at least, that structural changes found after death from any disease, are the primary cause of the disturbance manifested during life." Who knows what structural change takes place under the strange alchemy of death in the microscopical tissues of thought? Take the report of Dr. Shakespeare, et. al.—what does it amount to? There is not even a hint in it, much less an assertion, that Guiteau was insane, as the result of their microscopical investigations.

Dr. Savage, editor of the *Journal of Mental Science*, says of the microscopical appearances of a section from the frontal convex of Guiteau's brain:

I should say there is nothing that I have seen which is not compatible with mental health. It is true there are changes about the vessels and their walls, but these and similar changes are commonly found in bodies of persons dying or being killed when past middle age. There are no marked general changes in the nerve-cells, and I can only repeat that the specimen examined would not have any weight with me in causing me to reconsider my judgment on the sanity of the assassin.

That is what one competent to speak on the question of the microscopical appearance of Guiteau's brain thinks. The editor of the *Medical Record*, says:

The facts seem to be, that while there was some chronic disease in and about the blood-vessels, there was nothing indicative of any form of insanity; while on the other hand, much more serious changes are not infrequently found in the brains of persons who had been perfectly sane. Account must be made also of the fact that Guiteau had been suffering from malarial poisoning, and that he suffered death from strangulation. Guiteau's insanity, if it existed, was confessedly chronic; therefore all acute changes found would have no weight in estimating their ætiological bearings on the alleged mental disease. The severest form of vascular disease was apparently the *corpora striata*, a place where physical troubles would not be excited, while it is well known that the disease did not disturb any function known to pertain to those ganglia. The view that the

changes found were all significant or characteristic of commencing general paresis, is unfounded, and quite unworthy of serious discussion. The same remark must be made regarding Dr. Godding's surprising statement, that the arachnoid opacity was indicative of mental disease. There have been some rather labored attempts to prove the brain atypical. The convolitional development, however, as we are told, though deficient in some parts, was compensated for by fuller adjacent gyri. So far as the eye and some rough measurement could tell, the two hemispheres showed *no asymmetry*. The fundamental fact in the present case for the determination of atyp, viz., the comparative weight of the two hemispheres being absent, it would not be allowable, nor in accordance with scientific honesty to make positive statements regarding the matter. The futile and decidedly *ex-parte* attempt to show pathological cranial asymmetry hardly needs comment. In fact, Guiteau's mental condition must be decided by a study of his words and actions when alive. If these did not prove him a lunatic and irresponsible, the post-mortem findings will not help the case.

Tenth.—Not wishing to be again charged with “suppressing,” I ought to include “a gem of purest ray serene,” brought to light by my muck-rake. It was written nine days after his brilliant appearance on the stand. Here it is:

130 E. 50TH ST., December 22, 1881.

MY DEAR SIR: I have written Reed some important points on Hamilton, whom you may also ask if he wrote or inspired an editorial in the *Philadelphia Evg. Bulletin*. I feel morally sure he did.

Introduce that cast by all means. I suppose the sculptor will have to swear to its identity & give his experience. Leave out phrenology. The skull shape of the cast is reliable; the face part “was smoothed out because G. smiled,” & is not as reliable.

It is possible that I had the right & left sides mixed up on the stand. It is the left side which shows defective innervation (tongue & face), while the right half of skull is smaller, but the chief anomaly is the posterior face & crest.

Ask Hamilton whether Broca does not call such skulls abnormal, whether Meynert in his last article on the subject does not do so, and attach the greatest weight to skull anomalies. I sent Reed a paper of mine; marked the authorities cited in the foot-note; you need only read over to see their importance on cross-ex.

I trust you recognize the importance of the points Dr. Kiernan gave you, & the further necessity of asking questions exactly in such an order that the “bad” four are convicted as liars and ignorami out of their own mouths.

Command me as to any scientific advice that you may need, not involving a trip to Washington.

I have received more than two hundred letters of congratulation and commendation, three anonymous threats, and two letters from lunatics.

Send copy of my evidence if you can. With regards,
GEO. SCOVILLE, Esq.

SPITZKA.

There are other things in this menagerie, called a reply, which I would like to exhibit, had I not already exceeded my limits. For instance :

Dr. Spitzka is extravagantly laudatory of the "Continental Courts," as contrasted with those of England and America. The rule of responsibility, as found in the criminal code of Germany, is substantially the same as the knowledge of right and wrong in England and America. Here it is :

There is no criminal act when the actor, at the time of the offense, is in a state of unconsciousness or morbid disturbance of the mind, through which the free determination of his will is excluded.

„Es gibt kein Verbrechen, wenn zur Zeit des Vergehens, die Person in einem besinnungslosen oder sonstigen krankhaften geistigen Zustande ist, wodurch der freie Wille beeinträchtigt ist.“

Dr. Spitzka ought to learn from all this, that reckless and headlong abuse of one who has never intentionally laid a straw in his way, or said an unkind word of him, is not prudent. The saying of Napoleon, "*L'audace, l'audace, toujours l'audace*," may do for a warrior, but is not a safe maxim for a president, censor, essayist, etc., and that blows can be given as well as taken.

And now I take my leave of him forever, with the benediction of my Uncle Toby, when he held the fly between his fingers, before letting it go.

[This and the former article are from a strictly medical stand-point. Possibly I may sometime speak to the intelligent readers of the ALIENIST, from the legal stand-point, that they may see how lawyers, judges and law journals look at the case.]

Cleveland, Sept. 1, 1883.



NO PHYSICIAN SHOULD BE WITHOUT THE ALIENIST & NEUROLOGIST

*A Quarterly Journal of Scientific, Clinical and Forensic
Psychiatry and Neurology for the
General Practitioner.*

PROSPECTUS FOR VOL. V., 1884.

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